



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

March 23, 2023

**NOTICE OF FILING**

**ADMINISTRATIVE RULES**

To: Secretary of the Senate  
Clerk of the House of Representatives  
Joint Committee on Administrative Rules  
Michigan Office of Administrative Hearings and Rules (Administrative Rule #22-022-LR)  
Legislative Service Bureau (Secretary of State Filing #23-03-19)  
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-022-LR (Secretary of State Filing #23-03-19) on this date at 2:08 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Sanitarians Registration - General Rules".

These rules become effective immediately after filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson  
Secretary of State

Lashana Threlkeld, Departmental Supervisor  
Office of the Great Seal

Enclosure



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

ORLENE HAWKS  
DIRECTOR

March 23, 2023

The Honorable Jocelyn Benson  
Secretary of State  
Office of the Great Seal  
Richard H. Austin Building – 1<sup>st</sup> Floor  
430 W. Allegan  
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules  
Administrative Rules #: 2022-22 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated September 12, 2022 for the Department of Licensing & Regulatory Affairs “**Sanitarians Registration - General Rules**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne Sonneborn", written over a horizontal line.

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

### CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by Sections 16145, 16148, and 18413 of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16148, and 333.18413, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2009-10, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 333.26364, and 445.2030.

R 338.3901, R 338.3911, R 338.3913, R 338.3921, R 338.3925, R 338.3927, R 338.3929, and R 338.3931 of the Michigan Administrative Code are amended.

Date: 12/20/2022

Adopted by:  \_\_\_\_\_  
Orlene Hawks  
Director  
Department of Licensing and Regulatory Affairs



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS  
DIRECTOR

## LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated September 12, 2022, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Sanitarians Registration – General Rules**” by:

- ◆ Amending R 338.3901, R 338.3911, R 338.3913, R 338.3921, R 338.3925, R 338.3927, R 338.3929, and R 338.3931.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: January 4, 2023

Michigan Office of Administrative Hearings and Rules

By: *Emily Leik*

Emily Leik,  
Attorney



Since 1941

**Legal Division**

**Kevin H. Studebaker, Director**

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs, dated September 12, 2022, amending R 338.3901, R 338.3911, R 338.3913, R 338.3921, R 338.3925, R 338.3927, R 338.3929, and R 338.3931 of the Department's rules entitled "Sanitarians Registration – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: January 3, 2023

LEGISLATIVE SERVICE BUREAU

By \_\_\_\_\_

Rachel M. Hughart,  
Legal Counsel

Michigan Legislature

124 W. Allegan Street, 3<sup>rd</sup> Floor • P.O. Box 30036 • Lansing, MI 48909-7536 • (517) 373-9425 • Fax: (517) 373-5642

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

SANITARIANS REGISTRATION – GENERAL RULES

Filed with the secretary of state on March 23, 2023

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, and 18413 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, and 333.18413, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2009-10, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 333.26364, and 445.2030)

R 338.3901, R 338.3911, R 338.3913, R 338.3921, R 338.3925, R 338.3927, R 338.3929, and R 338.3931 of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL PROVISIONS

R 338.3901 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
  - (b) "Department" means the department of licensing and regulatory affairs.
  - (c) "NEHA" means the National Environmental Health Association.
  - (d) "REHS/RS" means the registered environmental health specialist/registered sanitarian credential from NEHA.
- (2) A term defined in the code has the same meaning when used in these rules.

PART 2. EDUCATION

R 338.3911 Accreditation standards; adoption by reference.

Rule 11. (1) The standards for accrediting environmental health baccalaureate programs developed and adopted by the National Environmental Health Science and Protection Accreditation Council (EHAC), P.O. Box 66057, Burien, Washington 98166 in the publication entitled "Requirements for the Accreditation of Environmental Health Science and Protection Baccalaureate Programs," updated November 25, 2019, which is

available at no cost from the council's website at <https://www.nehspac.org/>, are approved and adopted by reference.

(2) The standards for accrediting environmental health graduate programs developed and adopted by EHAC, P.O. Box 66057, Burien, Washington 98166 in the publication entitled "Guidelines for the Accreditation of Environmental Health Science and Protection: Graduate Programs," updated August 22, 2018, which is available at no cost from the council's website at <https://www.nehspac.org/>, are approved and adopted by reference.

(3) The standards for recognition of accrediting organizations developed and adopted by the Council for Higher Education Accreditation (CHEA), One Dupont Circle NW, Suite 510, Washington DC 20036, in the publication entitled "CHEA Standards and Procedures for Recognition," effective October 4, 2021, which are available at no cost on the council's website at <https://www.chea.org>, are approved and adopted by reference.

(4) The criteria for recognition and the recognition process for the secretary's recognition of accrediting agencies of the United States Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, S.W., Washington, DC 20202, in 34 CFR 602.10 to 602.39, effective July 1, 2020, which are available at no cost on the department's website at <https://www2.ed.gov/about/offices/list/ope/index.html>, are approved and adopted by reference.

(5) Copies of the standards and criteria approved and adopted in this rule are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

R 338.3913 Sanitarian educational training requirements.

Rule 13. (1) An applicant for a sanitarian registration shall complete an educational program that satisfies 1 of the following requirements:

(a) A bachelor's degree, master's degree, or doctoral degree in environmental health from an educational program accredited under the standards approved and adopted under R 338.3911(1) or (2).

(b) A bachelor's degree, master's degree, or doctoral degree in any subject from an accredited educational institution and the accrediting organization or agency satisfies the standards or criteria approved and adopted under R 338.3911(3) or (4) and the degree included both of the following requirements:

(i) Not less than 30 semester hours or 45 quarter hours of college level credit in basic science coursework, including engineering sciences, environmental sciences, health sciences, life sciences, natural sciences, or physical sciences.

(ii) College level credit for coursework in mathematics or statistics.

(c) A bachelor's degree, master's degree, or doctoral degree from an educational program at an institution found outside the United States that is substantially equivalent to the educational requirements under subdivision (a) or (b) of this subrule.

(2) If an applicant is a graduate of an educational program under subrule (1)(b) of this rule, the applicant's educational credentials must undergo a curriculum evaluation conducted by NEHA.

(3) If an applicant is a graduate of an educational program under subrule (1)(c) of this rule, the applicant's educational credentials must be evaluated by a credential evaluation

organization that is a current member organization of the National Association of Credential Evaluation Services (NACES).

(4) The applicant shall have the educational program verify that the applicant has successfully completed the program by having the program send the applicant's official transcripts to the department.

### PART 3. REGISTRATION

R 338.3921 Training standards for identifying victims of human trafficking; requirements.

Rule 21. (1) Under section 16148 of the code, MCL 333.16148, the individual seeking registration or who is registered shall have completed training in identifying victims of human trafficking that satisfies all the following:

(a) Training content must cover all the following:

(i) Understanding the types and venues of human trafficking in this state or the United States.

(ii) Identifying victims of human trafficking in healthcare settings.

(iii) Identifying the warning signs of human trafficking in healthcare settings for adults and minors.

(iv) Identifying resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:

(i) Training offered by a nationally recognized or state-recognized, health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training obtained in an educational program that has been approved by the department for initial registration, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer-review journal, healthcare journal, or professional or scientific journal.

(c) Acceptable modalities of training include any of the following:

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, the individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by the individual. The certification statement must include the individual's name and 1 of the following:

(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.



(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of the peer-review journal, healthcare journal, or professional or scientific journal, and the date, volume, and issue of publication, as applicable.

(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for registration renewals beginning with the 2017 renewal cycle and for initial registrations issued after March 17, 2021.

#### R 338.3925 Registration; requirements.

Rule 25. (1) An applicant for a sanitarian registration shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

(a) Provide the required fee and a completed application on a form provided by the department.

(b) Provide proof, as directed by the department, verifying completion of 1 of the following:

(i) The requirements of R 338.3913(1)(a). No proof of prior work experience is required.

(ii) The requirements of R 338.3913(1)(b) and verification from the applicant's employer that the applicant has completed 4,000 hours in planning, developing, or implementing systems to improve the quality of air, water, food, or other environmental factors that affect the health of the public.

(iii) The requirements of R 338.3913(1)(c), subject to the following requirements:

(A) If the credential evaluation required under R 338.3913(3) determines that the applicant's educational credentials are substantially equivalent to R 338.3913(1)(a), no proof of prior work experience is required.

(B) If the credential evaluation required under R 338.3913(3) determines that the applicant's educational credentials are substantially equivalent to R 338.3913(1)(b), verification is required from the applicant's employer that the applicant has completed 4,000 hours in planning, developing, or implementing systems to improve the quality of air, water, food, or other environmental factors that affect the health of the public.

(c) Provide proof, as directed by the department, verifying a passing score on the examination adopted under R 338.3923.

(2) If an applicant for a sanitarian registration provides proof, as directed by the department, that the applicant is a current holder in good standing of the REHS/RS credential, then it is presumed that the applicant satisfies the requirements of subrule (1)(b) and (c) of this rule.

#### R 338.3927 Registration by endorsement.

Rule 27. (1) An applicant for a sanitarian registration by endorsement shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

(a) Provide the required fee and a completed application on a form provided by the department.

(b) Provide proof, as directed by the department, verifying a current and full sanitarian license or registration in another state.

(c) Provide proof, as directed by the department, verifying that the applicant completed the educational requirements in the United States for licensure or registration as a sanitarian in the United States.

(d) Provide proof, as directed by the department, verifying a passing score on the examination adopted under R 338.3923.

(2) If an applicant for a sanitarian registration provides proof, as directed by the department, that the applicant is a current holder in good standing of the REHS/RS credential, then it is presumed that the applicant satisfies the requirements of subrule (1)(c) and (d) of this rule.

(3) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If registration is granted and it is determined that sanctions have been imposed, the department may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

R 338.3929 Application for sanitarian reregistration; requirements.

Rule 29. (1) An applicant whose sanitarian registration has lapsed may be reregistered within 3 years after the expiration date of the registration under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies the requirements of the code and the rules promulgated under the code, as well as both of the following requirements:

(a) Provides the required fee and a completed application on a form provided by the department.

(b) Establishes good moral character as that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.

(2) An applicant whose sanitarian registration has lapsed may be reregistered more than 3 years after the expiration date of the registration under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies the requirements under the code and the rules promulgated under the code, as well as all the following requirements:

(a) Establishes good moral character as that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.

(b) Provides fingerprints as required under section 16174(3) of the code, MCL 333.16174.

(c) Provides proof, as directed by the department, verifying a passing score on the examination adopted under R 338.3923 during the 2-year period immediately preceding the date of application for reregistration.

(3) If an applicant for a sanitarian reregistration provides proof, as directed by the department, that the applicant is a current holder in good standing of the REHS/RS credential, then it is presumed that the applicant satisfies the requirement of subrule (2)(c) of this rule.

(4) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country shall disclose that fact on the application form. The

applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If registration is granted and it is determined that sanctions have been imposed, the department may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

R 338.3931 Registration renewal; requirements.

Rule 31. An applicant for renewal who has been registered for the 2-year period immediately preceding the application for renewal shall satisfy the requirements of the code and the rules promulgated under the code, including providing the required fee and a completed application on a form provided by the department.

FILED WITH SECRETARY OF STATE

ON 3/23/23 AT 2:08 PM.